

ST: Compulsory Reference/Annulment/Divorce Action.

A BILL TO BE ENTITLED

AN ACT AMENDING RULE 53 OF THE RULES OF CIVIL PROCEDURE TO CLARIFY
THAT A COURT MAY ORDER AN ISSUE TO BE REFERRED TO A REFEREE IN
AN ACTION FOR ANNULMENT, DIVORCE, OR ALIMONY WITHOUT DIVORCE
IN THE SAME CASES AUTHORIZED FOR ANY OTHER CIVIL ACTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 53(a) reads as rewritten:

"Rule 53. Referees.

(a) **Kinds of reference. –**

(1) **By Consent.** – Any or all of the issues in an action may be referred upon
the written consent of the parties except in actions to annul a marriage,
actions for divorce, actions for divorce from bed and board, actions for
alimony without the divorce or actions in which a ground of annulment or
divorce is in issue.

(2) **Compulsory.** – Where the parties do not or cannot consent to a ~~reference,~~
reference under subdivision (1) of this subsection, the court may, upon the
application of any party or on its own motion, order a reference in the
following cases:

a. Where the trial of an issue requires the examination of a long or
complicated ~~account;~~ account, in which case the referee may be
directed to hear and decide the whole ~~issue,~~ issue or to report upon
any specific question of fact ~~involved therein.~~ involved.

- 1 b. Where the taking of an account is necessary for the information of
2 the court before ~~judgment~~, judgment or for carrying a judgment or
3 order into effect.
- 4 c. Where the case involves a complicated question of ~~boundary~~,
5 boundary or requires a personal view of the premises.
- 6 d. Where a question of fact arises outside the pleadings, upon motion
7 or otherwise, at any stage of the action."

8 **SECTION 2.** This act becomes effective [insert effective date], and applies to actions
9 commenced on or after that date.